

III. REMARKS

1. Claims 1-7 and 9-16 remain in the application. Claim 8 was previously cancelled without prejudice. Claims 2 and 9 have been amended to correct any indefiniteness.

The amendments to correct indefiniteness are not limiting, are not made for reasons related to patentability, and do not raise issues of estoppel.

2. Applicants wish to express their appreciation for the courtesies extended by the Examiner during the telephone conversation of April 22, 2003. Accordingly, Applicants have amended claims 2 and 9 to remove the terms "certain" and "the amount of," respectively, to overcome the 35 USC 112 rejection of these claims.

3. The Final Office Action contends that the arguments presented in the Amendment dated January 17, 2003 do not comply with 37 CFR 1.111(c) Applicants respectfully disagree. According to 37 CFR 1.111(c):

In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

Regarding the rejection under 35 USC §112, second paragraph in the previous Office Action:

Beginning on page 5 of the Amendment, Applicants address the rejection of claims 2, 8, and 9 by indicating that claim 8 has been canceled, indicating that the objected to term in claim 9 has been deleted, citing support for the terms in claim 2, presenting new test for indefiniteness, and presenting reasons why claim 9 is not indefinite. Applicants submit that the arguments submitted clearly point out the patentable novelty of the rejected claims in view of the 35 USC §112 rejection.

Regarding the rejection under 35 USC 102(b) in view of Rader (US 5,867,140) in the previous Office Action:

Beginning on page 6 of the Amendment, Applicants clearly set out the features of each of the independent claims that are not disclosed by the cited reference and the reasons why. In addition, Applicants point out why the portions of the reference cited in the Office Action do not anticipate Applicants' claims. Pages 6 to 7 of the previous response clearly state that the present invention is novel because Rader fails to teach changing the position of the first part of the display element at set intervals, and because Rader fails to teach changing the position of the first part of the display element to avoid display burn-in. Thus, Applicants clearly point out the patentable novelty of the claims in view of the cited reference.

4. Applicants respectfully submit that claims 1-3, 9 and 11 comply with 35 USC 112, second paragraph, are definite, and do particularly point out and distinctly claim the subject matter of the present invention.

Claims 2 and 9 have been amended to remove the terms "certain" and "the amount of," respectively, to overcome the 35 USC 112

rejection. Applicants respectfully submit that claims 2 and 9 meet the requirements of 35 USC 112, second paragraph.

Claims 1 and 11 recite the term "at set intervals" in the context of changing the position of a part of a display "at set intervals" to avoid display burn-in. Claim 3 recites the term "in certain intervals" in the context of changing the position of the part of the display in a certain order "in certain intervals."

Applicants submit that the terms "at set intervals" and "in certain intervals" are definite and have antecedent basis as set forth in MPEP 2173.05(e). Applicants submit that the meaning of "at set intervals" and "in certain intervals" is clear on their face. The American Heritage Dictionary (Third Edition) defines the word interval as: "... 2. A period of time between two events." This meaning is consistent with the disclosure of the present invention. Applicants also submit that there is no earlier recitation or limitation of a set interval or a certain interval in these claims, and that there is no uncertainty as to the set interval or certain interval being referred to. Furthermore, the terms have antecedent basis in the specification, for example, on page 6, lines 13 and 14. Applicants respectfully submit that one skilled in the art would understand the claim language on its face, and in particular in light of the specification and drawings.

At least for these reasons, Applicants respectfully submit that claims 1, 3, and 11 comply with 35 USC 112, second paragraph.

5. Applicants respectfully submit that claims 1-16 are not anticipated by Rader (US 5,867,140).

Rader fails to disclose or suggest a changing means for changing the position of the first part of the display element at set intervals. Rader also fails to disclose or suggest changing the position of the first part of the display element to avoid display burn-in.

The present invention includes a changing means for changing the position of a first part of the display element at set intervals to avoid burn-in, as called for in claim 1. The present invention also includes changing the position of a first part of the display element at set intervals to avoid display burn-in, as recited in claim 11.

The purpose of the present invention is to avoid the appearance of permanent marks on the display element. The part of the display element being utilized is repeatedly changed so that the same part of the display element is not constantly used to display the same information. The changes in position can be implemented e.g. by moving the currently used zone of the display element in a particular direction by given steps (e.g. up, down, to the side or diagonally) where the next position may be randomly selected, or selected in some other way. When a larger display area is needed to present a larger amount of information, a larger part of the display element or the whole display element can be activated (page 3, lines 18-27 of the present application). The used part of the display element can also be moved in a horizontal direction which makes it possible to avoid display burn-in and create visual effects in an energy-saving way (page 7, lines 10-12 of the present application).

Rader discloses a display system which includes a display panel (200) having a full display screen area (303) upon which images can be generated for viewing. An image control circuit (400,

501) controls the operation of the display panel so that only a partial display field or area (305) is controlled to generate images in a first operating mode to conserve power and the full display screen area is controlled to generate images in a second operating mode (abstract, figure 3).

Thus, Rader fails to disclose changing positions at intervals. Moreover, Rader fails to disclose changing position of the first part of the display element to avoid display burn-in. Rader does not teach a changing means for changing the position of the first part of the display element at intervals.

Further, the Examiner argues that "Rader discloses in abstract that partial display field, or area is controlled to generate images in a first operating mode to conserve power (meaning: to prevent burn-in)."

Applicants respectfully disagree. Conserving power and preventing display burn-in are two totally unrelated tasks. For example, a screensaver program might display plenty of rapidly changing, full-screen images thus preventing burn-in effectively but failing to conserve power. Yet another screensaver program might display small, static images thus conserving power but failing to prevent burn-in. Since, as pointed out above, Rader fails to teach a changing means for changing the position of the first part of the display element at intervals, it follows that Rader fails to teach preventing burn-in. Teaching how to conserve power does not remedy this.

To summarize, Rader is not an effective reference against the present application since Rader fails to disclose changing positions at intervals. Moreover, Rader fails to disclose

changing position of the first part of the display element to avoid display burn-in.

Claim 13 calls for a changing means for changing information displayed on the first part of the display element at intervals in order to avoid display burn-in. Claim 15 is a method claim reciting changing information displayed on the first part of the display element at intervals in order to avoid display burn-in. For the same reasons stated above with respect to claims 1 and 11, Applicants respectfully submit that claims 13 and 15 are also patentable over Rader.

Claims 2-7, 9-10, 12, 14, and 16 depend from claims 1, 11, 13, or 15, and therefore are also patentable over Rader.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Joseph V. Gamberdell Jr.
Joseph V. Gamberdell Jr.
Reg. No. 44,695
Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

April 30, 2003
Date

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to 703/740-8705 on the date indicated below, addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 4/30/03

Signature: Caroline Rodriguez
Person Making Deposit